

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS

Filed: February 8, 2024

GREGORY SEEI,	*	No. 18-1703V
	*	
Petitioner,	*	Special Master Sanders
v.	*	
	*	
SECRETARY OF HEALTH	*	
AND HUMAN SERVICES,	*	
	*	
Respondent.	*	

Jonathan J. Svitak, Shannon Law Group, P.C., Woodridge, IL, for Petitioner.
Voris E. Johnson, United States Department of Justice, Washington, DC, for Respondent.

DECISION¹

On November 2, 2018, Gregory Seei (“Petitioner”) filed a petition for compensation pursuant to the National Vaccine Injury Compensation Program.² 42 U.S.C. §§ 300aa-10 to -34 (2012). Petitioner alleged that the influenza (“flu”) vaccine he received on November 17, 2016, and the hepatitis A (“hep A”) and hepatitis B (“hep B”) vaccines he received on November 28, 2016, caused him to suffer from chronic inflammatory demyelinating polyneuropathy (“CIDP”). Pet. at 1, 16, ECF No. 1.

On February 8, 2024, the parties filed a stipulation in which they state that a decision should be entered awarding compensation to Petitioner. Stipulation ¶ 7, ECF No. 50. Respondent “denies that the flu, hep A, and/or hep B vaccines caused or significantly aggravated [P]etitioner’s alleged CIDP and residual effects, or any other injury.” *Id.* ¶ 6. Nevertheless, the parties agree to the joint stipulation. *See id.* ¶ 7. I find the stipulation reasonable and adopt it as the decision of the Court in awarding damages, on the terms set forth therein.

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub L. No. 99-660, 100 Stat. 3755.

The parties stipulate that Petitioner shall receive the following compensation:

A lump sum of \$20,000.00 in the form of a check payable to Petitioner, Gregory Seei, which amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

Id. ¶ 8.

I approve the requested amount for Petitioner's compensation. Accordingly, an award should be made consistent with the stipulation.

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.³

IT IS SO ORDERED.

s/Herbrina D. Sanders
Herbrina D. Sanders
Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

GREGORY SEEL,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

STIPULATION

The parties hereby stipulate to the following matters:

1. Gregory Seei (“petitioner”) filed a petition for vaccine compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §§ 300aa-10 to -34 (the “Vaccine Program”). The petition seeks compensation for injuries allegedly sustained following petitioner’s receipt of influenza (“flu”), hepatitis A (“hep A”), and hepatitis B (“hep B”) vaccines, which vaccines are contained in the Vaccine Injury Table (the “Table”), 42 C.F.R. §100.3(a).
2. Petitioner received the flu vaccine on November 17, 2016. He received hep A and hep B vaccines on November 28, 2016, and May 30, 2017, and an additional hep B vaccine on December 28, 2016.
3. The vaccines were administered within the United States.
4. Petitioner alleges that he was subsequently diagnosed with chronic inflammatory demyelinating polyneuropathy (“CIDP”), which petitioner alleges was caused-in-fact by the flu, hep A, and/or hep B vaccines. Petitioner further alleges that he experienced the residual effects

of his injury for more than six months.

5. Petitioner represents that there has been no prior award or settlement of a civil action for damages as a result of his condition.

6. Respondent denies that the flu, hep A, and/or hep B vaccines caused or significantly aggravated petitioner's alleged CIDP and residual effects, or any other injury.

7. Maintaining their above-stated positions, the parties nevertheless now agree that the issues between them shall be settled and that a decision should be entered awarding the compensation described in paragraph 8 of this Stipulation.

8. As soon as practicable after an entry of judgment reflecting a decision consistent with the terms of this Stipulation, and after petitioner has filed an election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), the Secretary of Health and Human Services will issue the following vaccine compensation payment:

A lump sum of \$20,000.00 in the form of a check payable to petitioner, Gregory Seei, which amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

9. As soon as practicable after the entry of judgment on entitlement in this case, and after petitioner has filed both a proper and timely election to receive compensation pursuant to 42 U.S.C. § 300aa-21(a)(1), and an application, the parties will submit to further proceedings before the special master to award reasonable attorneys' fees and costs incurred in proceeding upon this petition.

10. Petitioner and his attorney represent that compensation to be provided pursuant to this Stipulation is not for any items or services for which the Program is not primarily liable under 42 U.S.C. § 300aa-15(g), to the extent that payment has been made or can reasonably be expected to be made under any State compensation programs, insurance policies, Federal or

State health benefits programs (other than Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq.), or by entities that provide health services on a pre-paid basis.

11. Payment made pursuant to paragraph 8 and any amounts awarded pursuant to paragraph 9 of this Stipulation will be made in accordance with 42 U.S.C. § 300aa-15(i), subject to the availability of sufficient statutory funds.

12. The parties and their attorneys further agree and stipulate that, except for any award for attorneys' fees and litigation costs, and past unreimbursed expenses, the money provided pursuant to this Stipulation will be used solely for the benefit of petitioner, as contemplated by a strict construction of 42 U.S.C. § 300aa-15(a) and (d), and subject to the conditions of 42 U.S.C. § 300aa-15(g) and (h).

13. In return for the payments described in paragraphs 8 and 9, petitioner, in his individual capacity, and on behalf of his heirs, executors, administrators, successors or assigns, does forever irrevocably and unconditionally release, acquit and discharge the Secretary of Health and Human Services and the United States of America from any and all actions or causes of action (including agreements, judgments, claims, damages, loss of services, expenses and all demands of whatever kind or nature) that have been brought, could have been brought, or could be timely brought in the Court of Federal Claims, under the National Vaccine Injury Compensation Program, 42 U.S.C. § 300aa-10 et seq., on account of, or in any way growing out of, any and all known or unknown, suspected or unsuspected personal injuries to, or death of, petitioner resulting from, or alleged to have resulted from, the flu vaccine administered on November 17, 2016, the hep A and hep B vaccines administered on November 28, 2016, and May 30, 2017, and/or the additional hep B vaccine on December 28, 2016, as alleged by petitioner in a petition for vaccine compensation filed on or about November 2, 2018, in the

United States Court of Federal Claims as petition No. 18-1703V.

14. If petitioner should die prior to entry of judgment, this agreement shall be voidable upon proper notice to the Court on behalf of either or both of the parties.

15. If the special master fails to issue a decision in complete conformity with the terms of this Stipulation, or if the Court of Federal Claims fails to enter judgment in conformity with a decision that is in complete conformity with the terms of this Stipulation, then the parties' settlement and this Stipulation shall be voidable at the sole discretion of either party.

16. This Stipulation expresses a full and complete negotiated settlement of liability and damages claimed under the National Vaccine Injury Act of 1986, as amended, except as otherwise noted in paragraph 9 above. There is absolutely no agreement on the part of the parties hereto to make any payment or to do any act or thing other than is herein expressly stated and clearly agreed to. The parties further agree and understand that the award described in this Stipulation may reflect a compromise of the parties' respective positions as to liability and/or amount of damages, and further, that a change in the nature of the injury or condition or in the items of compensation sought, is not grounds to modify or revise this agreement.

17. This Stipulation shall not be construed as an admission by the United States of America or the Secretary of Health and Human Services that petitioner's alleged CIDP and residual effects, or any other injury, were caused or significantly aggravated by the flu, hep A, and/or hep B vaccines.

18. All rights and obligations of petitioner hereunder shall apply equally to petitioner's heirs, successors and/or assigns.

END OF STIPULATION

Respectfully submitted,

PETITIONER:

Gregory Seei

GREGORY SEEI

**ATTORNEY OF RECORD FOR
PETITIONER:**



JONATHAN J. SVITAK
Shannon Law Group, P.C.
3550 Hobson Road
Woodridge, IL 60517
Tel.: (312) 578-9501
Email: jsvitak@shannonlawgroup.com

**AUTHORIZED REPRESENTATIVE
OF THE ATTORNEY GENERAL:**



HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, DC 20044-0146

**AUTHORIZED REPRESENTATIVE
OF THE SECRETARY OF HEALTH
AND HUMAN SERVICES:**

George R. Grimes - Digitally signed by George R.
Grimes -S14
Date: 2024.02.02 15:12:54 -05'00'

CDR GEORGE REED GRIMES, MD, MPH
Director, Division of Injury
Compensation Programs
Health Systems Bureau
Health Resources and
Services Administration
U.S. Department of Health
and Human Services
5600 Fishers Lane, 08W-25A
Rockville, MD 20857

**ATTORNEY OF RECORD FOR
RESPONDENT:**



VORIS E. JOHNSON, JR.
Senior Trial Attorney
Torts Branch
Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, DC 20044-0146
Tel.: (202) 616-4136
Email: voris.johnson@usdoj.gov

Dated: 2/8/2024



Envelope Data

Subject: Shannon Law Group - Seei - Stipulation - Signature Requested
 Documents: Seei 18-1703V Stipulation.pdf
 Document Hash: 51506803
 Envelope ID: ENV29732845-5668-EECB-4491-FABB
 Sender: Admin Shannon Law Group
 Sent: 02/06/2024 18:44 PM UTC
 Status: Completed
 Status Date: 02/06/2024 20:59 PM UTC

Access Authentication: None
 Email Access Code: Unchecked
 Email Verification: Not enabled

Recipients / Roles

Name / Role	Email	Type
Admin Shannon Law Group	admin@shannonlawgroup.com	Sender
Gregory Seei	gpemail@aol.com	Signer

Document Events

Name / Roles	Email	IP Address	Date	Event
Admin Shannon Law Group	admin@shannonlawgroup.com	23.25.47.185	02/06/2024 18:44 PM UTC	Created
Gregory Seei	gpemail@aol.com	73.45.39.186	02/06/2024 20:59 PM UTC	Signed
			02/06/2024 20:59 PM UTC	Status - Completed

Signer Signatures

Signer Name / Roles	Signature	Initials
Gregory Seei	<i>Gregory Seei</i>	